

ENVIRONMENTAL PROTECTION AGENCY

IN RE:

:

EPA Region 5 Records Ctr.



275044

IN THE MATTER OF

:

SKINNER LANDFILL

:

SUPERFUND SITE

:

Deposition of RICHARD M. CLARK, a witness

herein, taken by the Environmental Protection

Agency, as upon examination pursuant to the Federal

Rules of Civil Procedure and pursuant to Notice to

Take Deposition and stipulations hereinafter set

forth at the offices of Union Township

Administration Building, 9113 Cincinnati-Dayton

Road, West Chester, Ohio at 10:00 a.m., on

Wednesday, November 9, 1994, before Jane Anne

Fitch, a notary public within and for the State of

Ohio.

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1 APPEARANCES:

2 On behalf of the Environmental Protection Agency:

3 John Breslin, Esq.

4 of

5 United States Environmental

6 Protection Agency:

7 Region V

8 77 West Jackson Boulevard

9 Chicago, Illinois 60604

10 Also present:

11 Charles H. Tisdale, Jr., Esq.

12 of

13 King & Spalding

14 191 Peachtree Street

15 Atlanta, Georgia 30303-1763

16 Also Present:

17 Karen J. Lauzon

18 Joseph A. Kawecki

19 - - -

20 S T I P U L A T I O N S

21 It is stipulated by and among counsel for

22 the respective parties that the deposition of

23 RICHARD M. CLARK, a witness herein, may be taken as

24 upon examination pursuant to the Federal Rules of

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1 Civil Procedure, and pursuant to agreement to take
2 deposition; that the deposition may be taken in
3 stenotypy by the notary public-court reporter and
4 transcribed by her out of the presence of the
5 witness; that the transcribed deposition is to be
6 submitted to the witness for his examination and
7 signature, and that signature may be affixed out of
8 the presence of the notary public-court reporter.

9 - - -

10 I N D E X

11 WITNESS

EXAMINATION

12 Richard M. Clark

4 (By Mr. Breslin)

13

81, 94 (By Mr. Kawecky)

14

87 (By Mr. Tisdale)

15

- - -

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1 (Witness sworn.)

2 MR. BRESLIN: Good morning, my name
3 is John Breslin, I'm an attorney with the
4 Environmental Protection Agency in Chicago. We're
5 here today to take the deposition of Mr. Dick Clark
6 of West Chester. Correct?

7 THE WITNESS: Uh-huh.

8 MR. BRESLIN: With me is Joe
9 Kaweck, civil investigator for EPA, and also
10 present are Charles Tisdale, an attorney, and Karen
11 Lauzon.

12 RICHARD M. CLARK
13 of lawful age, a witness herein, being first duly
14 sworn as hereinafter certified was examined and
15 deposed as follows:

16 EXAMINATION

17 BY MR. BRESLIN:

18 Q. Mr. Clark, would you please state
19 your full name and address? -

20 A. Richard M. Clark, 9737 Crestfield
21 Drive, West Chester, Ohio.

22 Q. What business are you in?

23 A. I am in the demolitions/construction,
24 waste hauling.

1 Q. Do you have your own company?

2 A. Yes, I do.

3 Q. What's it called?

4 A. Clark, Inc.

5 Q. Now, you've been -- your family has
6 been in the waste business for some time; is that
7 correct?

8 A. Yes, sir.

9 Q. Could you explain for us the family
10 history in terms of the waste hauling business?

11 A. We got into the business back in the
12 late '50s.

13 Q. What people in your family were
14 initially involved?

15 A. Just my father, I mean, eight, nine
16 kids.

17 Q. What was your dad's name?

18 A. Tom Clark, Thomas Clark.

19 Q. And what did he do with the business?

20 A. Well, in the late '50s we had a dump,
21 and then in the early '60's we converted to
22 incineration, and we run incineration from the
23 '60's to probably '74, '75. I'm not good at
24 dates, I would say that's generally correct.

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1 Q. Where was the dump located?

2 A. When?

3 Q. Initially when your dad started.

4 A. Down on Mosteller Road.

5 Q. What town is that in?

6 A. It's in Sharonville.

7 Q. Is that where the incinerator was
8 located, too?

9 A. No, no. We just had a little dump.
10 We just took in cardboard and paper, assorted, you
11 know, trash. We didn't have any municipalities.

12 Q. Did you work in that?

13 A. I was just a kid, after school and,
14 you know, on Saturdays, just part-time.

15 Q. What's the story with the
16 incinerator, how did that come about?

17 A. Well, being incorporated into
18 Sharonville, my father moved out of Sharonville,
19 and then we seen -- There was a law passed in
20 Hamilton County that was very frustrating; they
21 outlawed landfills somewhere in the early '60's,
22 and my father decided to build an incinerator
23 because there was going to be this tremendous
24 need.

1 When -- when he went to build it, it
2 was a lot of money, cost a lot of money, and he
3 hired an engineering firm out of New York, Bushing
4 Engineering, it was probably the biggest and best
5 engineering firm in even probably -- I think it's
6 Wilderbury, Fry now, and he hired them to come in
7 and build us an incinerator. And we didn't -- I
8 don't think he had it built a year, because I
9 wasn't here, and they didn't enforce the law.

10 Q. They didn't enforce the law?

11 A. The committee commissioners, change
12 of politics, they didn't enforce the law. Here we
13 were with an incinerator and no one having to come.

14 Q. People were still landfilling?

15 A. Yeah.

16 Q. Taking garbage to the dumps?

17 A. Never enforced it, to this day.

18 Q. Where were you? You said you weren't
19 here?

20 A. I was in school and in the service.

21 Q. Okay. Are you suggesting there were
22 problems with the business or the incinerator?

23 A. I'm just telling you, if you think
24 you're going to get 80 percent and you're only

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1 going to get 50, there was no problems. It was
2 just unfortunate, you know, that they didn't
3 enforce the law. So we run the incinerators until
4 1974 or '75, somewhere in there. Then we just
5 converted the buildings over to a transfer
6 station. Okay? And then we transferred, that's
7 where you compact it and haul it to somebody else's
8 landfill.

9 Q. You take waste in?

10 A. You're taking waste in.

11 Q. What types of waste?

12 A. Oh, municipal and anything you can
13 pack, which is, you know, that you can reduce,
14 which would be, you know, department stores like
15 Lazarus, you know, Bigg's, anything that you can
16 get some shrink out of. You wouldn't take any
17 skids in because you couldn't shrink them.

18 Q. Did you guys do the transporting out
19 to landfills, too?

20 A. Yes, yes. We built the transfer
21 station and transported it.

22 Q. Was this the first time that your
23 family was involved in trucking then or hauling?

24 A. We had a little dump truck prior to

1 that. I don't know what year we got into the
2 container business, but dad had a dump truck that
3 you pick up one or two loads a day, that's all.
4 Prior to that, I don't know when it was, maybe
5 around the '70s that we got into the container
6 business, somewhere around there.

7 Q. Was that related to this transfer
8 operation?

9 A. Well, we was in burning, we was
10 burning in the '70s, early '70's.

11 Q. Right.

12 A. And then we got into the
13 containerized business somewhere late, real late
14 '60's, early '70's.

15 Q. When you say the container business,
16 what does that mean?

17 A. Front loaders, front loaders, we was
18 in front loaders then.

19 Q. What was the business, the name of
20 the business when this compacting and transfer --

21 A. It was Clark. It had a couple
22 names. It was Clark Sanitary Fill at one time.
23 Then it was Clark Service, when that happened, I
24 don't know.

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1 Q. So you had -- in the family there was
2 a dump in Hamilton County?

3 A. Now, when we moved to incineration
4 that was gone.

5 Q. I'm just tracing it back. The dump
6 was closed?

7 A. Yes. .

8 Q. And then this incinerator was built?

9 A. Yes.

10 Q. Where was that again?

11 A. On Kemper Road.

12 Q. That's pretty -- That's not far from
13 here, is it?

14 A. No.

15 Q. Okay. And the incinerator operated
16 to the mid-'70s or so?

17 A. Uh-huh.

18 Q. And when that closed down, you
19 switched to a transfer operation?

20 A. Yes, transfer station.

21 Q. And were trucks brought in then? Did
22 your father own trucks or buy trucks at that point?

23 A. No, we still kept some of our
24 customers, shut down the furnaces and maintained

1 some of our customers, our residential customers.

2 Q. I understand. But in terms of you
3 have the waste there, and it's going to be leaving
4 because you're not burning it anymore --

5 A. Right.

6 Q. -- who would take the waste away?

7 A. We would. You asked me before if we
8 bought trucks to haul it; we did.

9 Q. You did?

10 A. Yes.

11 Q. Were you involved in that?

12 A. Yes.

13 Q. Did you drive, did you start driving?

14 A. Yes.

15 Q. Why was the incinerator shut down; do
16 you recall?

17 A. Incinerator was shut down because EPA
18 kept changing their emissions standards every year,
19 and if you got a scrubber, they wouldn't give you a
20 guarantee that the damn -- that the thing would be
21 good for two or three years. You couldn't spend
22 two or three-quarters of a million dollars and keep
23 changing your mind.

24 Q. That's Ohio EPA, correct?

1 A. Yes.

2 Q. Do you recall what the name of the
3 business was when it became this transfer
4 operation?

5 A. I don't know if there was any
6 change. I don't know when the name changed. My
7 father handled that part of the business.

8 Q. How long did that operation continue
9 on that Kemper Road site there?

10 A. I bought the family, okay, I bought
11 the family out of the hauling part in 1980.

12 Q. You bought the family business?

13 A. I bought the family hauling part.

14 Q. Okay.

15 A. The containerized part. I bought the
16 container business from the family in 1980 and
17 moved up here. I'm just right down the road from
18 here.

19 Q. So you've had that hauling business
20 since 1980, then?

21 A. Then I sold it.

22 Q. Okay.

23 A. 1983.

24 Q. When you bought it, who did you buy

1 it from actually?

2 A. From my father, and I owned part of
3 it.

4 Q. What did you call the hauling
5 business?

6 A. Clark Services.

7 Q. Was that just you basically up the --

8 A. Well, with the children he gave --
9 you know, the ones that didn't work, he gave the
10 children a little bit, but I was the majority, not
11 majority over my father and mother now, but I was
12 the majority because the rest of them were a real
13 minority. Okay? I was the majority of the sons in
14 ownership.

15 Q. Okay. When you had this hauling
16 business, were you still involved with this
17 transfer operation or did you split up?

18 A. No, that stayed over there. No, I
19 didn't have no transfer operation over there, no.

20 Q. So you were separate from the other
21 family?

22 A. Yes.

23 Q. They kept operating the transfer?

24 A. Yes, sir. Yes, sir.

1 Q. So you were starting a new business?

2 A. Yes, yes.

3 Q. What did your business operations
4 consist of?

5 A. Container, hauling containerized
6 waste, you know, front loader, roll-off.

7 Q. Did you have some clients from the
8 old business?

9 A. Well, I bought that business.

10 Q. Okay.

11 A. I bought the family out. I bought
12 the family out of the containerized business,
13 that's the front loader and roll-off. Do you know
14 what I'm talking about?

15 Q. Right. And who did you sell your
16 business to in '83?

17 A. BFI. Okay. Then in 1982 I bought
18 Stubsmill Landfill, somewhat, somewhere in there.

19 Q. In '82 you bought Stubsmill? -

20 A. Stubsmill Landfill. I don't know if
21 the dates are correct. I don't know if that's
22 pertinent.

23 Q. What was your purpose in buying that?

24 A. My purpose? It was to guarantee my

1 Clark Services a place to dump, be competitive, I
2 would say, be competitive. You can't be
3 competitive when you share a landfill.

4 Q. Is that in Warren County?

5 A. Yes.

6 Q. Then they called it Big Foot, Big
7 Foot Run?

8 A. Yes.

9 Q. You bought that in '82?

10 A. Roughly.

11 Q. Before you sold the BFI you bought --

12 A. I forgot, I forgot. See, we had
13 bought Stubsmill landfill, we had bought -- oh,
14 God, we had bought an operating partner, not the
15 owner but an operating partner, out of Stubsmill
16 landfill '74ish, and his name was Corwin Fred and
17 he had Fred's Mushrooms. And the landfill didn't
18 have any business, and his partner was working it,
19 and I would get his money out of it.

20 We bought the partner out and became
21 a partner with Corwin Fred. So we became a partner
22 in it, and then Corwin Fred got into botulism
23 problems. He was probably the most well-known
24 mushroom person around this part of the country,

1 and he got that botulism call, and they brought
2 that stuff back and never had any evidence and the
3 he never got off it.

4 So when Corwin Fred went bankrupt, we
5 bought him out of the landfill. I don't know what
6 year that was, '70's, late '70's, maybe '76, '77.
7 I don't remember. I'm just trying to bring you up
8 to speed. And then when I bought the family out in
9 1980, I didn't get the landfill. Okay?

10 Q. I see.

11 A. I'm bringing you back up. So then in
12 '82 because I ran the landfill, I took over the
13 landfill and run it, the family just had a tough
14 time operating the landfill. And when I bought
15 them out, I had a rider for last refusal, when I
16 bought the family out of the hauling company, I got
17 a right of refusal to buy the landfill if they ever
18 sold it. So they couldn't operate it like I did,
19 and EPA was trying to get on them, and I had a
20 brother that had a nervous breakdown in the
21 process, and they offered it to me for sale in
22 about 1982. I bought the landfill, which was
23 Stubsmill landfill.

24 Q. Had you already been using the

1 landfill in your hauling business?

2 A. Yes, yes.

3 Q. And then you said you -- Were you the
4 primary user of the landfill, your hauling company,
5 or just one of many, many different customers?

6 A. I had the philosophy of haul real
7 close to, you know, we're not going to drive no 10
8 or 15 miles just to go to our own landfill, no. So
9 at that time we didn't. No, we weren't -- We had
10 other accounts, okay, that went up there,
11 municipalities. Okay? Stubsmill Landfill was in a
12 lot of environmental trouble when I took it over in
13 the '70's. EPA was in the process of closing it
14 down, '73, '74. And I went in there, and we just
15 turned it around and run a bunch of people off, you
16 know what I mean. And just operated it within the
17 regulations of EPA, and that was it, because in my
18 opinion a landfill long-term, a guy brings a five
19 gallon can of water, I wouldn't take it. EPA, I
20 wouldn't take an E drum.

21 I know this is kind of ridiculous
22 back then, but there's a tremendous amount of pride
23 if you're running a good landfill. It keeps people
24 off your back. People just think about cash flow.

1 I think about liability. After the government is
2 done with you, then you got liability coming out of
3 your pocket. It will kill you.

4 Q. What were the circumstances when you
5 sold your operations to BFI?

6 A. They're picky people, and they went
7 up and checked all the records and seen the
8 turnaround that we had done, because EPA would even
9 call me about going and taking over another
10 landfill. Joe Morowitz said, Dick, why don't you
11 go out there. I just got a letter the other day
12 from another landfill, because, you know, today if
13 you can't operate above board, you're not going to
14 have any customers. People will not be associated
15 with things that aren't right.

16 You get Procter & Gamble, you get
17 anybody, people don't think you're doing the right
18 thing, even a rumor, you're gone. If you get just
19 a report, people from fear, move away from you.

20 Q. Did BFI purchase Clark Services as
21 well as the landfill?

22 A. Yes, sir.

23 Q. At the same time?

24 A. Yes, sir.

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1 Q. Did you continue to operate those
2 businesses or did you get out?

3 A. I got out within a month or two or
4 three of that. They wanted me to go to work; I
5 wouldn't go to work for them.

6 Q. Their own employees came in and took
7 over the operation?

8 A. Yes, sir.

9 Q. Did Clark Services become called BFI
10 then?

11 A. No. Clark Services died.

12 Q. Did the same trucks then, though,
13 become BFI trucks?

14 A. Yes.

15 Q. So what did you do then after '83?

16 A. Messed around. I had a farm, you
17 know. I bought property.

18 Q. Have you been out of the waste
19 business since then or how did you get back in it?

20 A. I had a no compete for five years.

21 Q. Five years?

22 A. Yeah. When I sold, I had no interest
23 in selling, okay? And they thought if they -- they
24 would be nice to me, and they were very nice to me,

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1 they really were, but I was going to go back in the
2 business when I sold.

3 Q. But you had this five-year no
4 compete?

5 A. No compete, yeah.

6 Q. So did you stay out of the waste
7 hauling business until '88, then?

8 A. 'Eighty-eight, 'eighty-nine.

9 Q. And what did you do then?

10 A. I went back in the roll-off business,
11 I'm just in the roll-off business.

12 Q. Did you start from scratch at that
13 point?

14 A. Yeah, like an idiot, yeah.

15 Q. What was your company called? Did
16 you incorporate in '88?

17 A. No. I just -- we just called it Dick
18 Clark Company, kind of a no brainer, because I had
19 a good name, see. I just needed time and the
20 people would come back to me. If you do a good job
21 and do it right, they'll do business with you.

22 Q. Have you been operating that business
23 until the present then?

24 A. We changed the name somewhere around

1 '90.

2 Q. To what?

3 A. Clark, Inc. It's now Clark, Inc.

4 Q. Pardon me?

5 A. Clark, Inc.

6 Q. That's what it is today?

7 A. Yeah.

8 Q. Are you still just in the roll-off?

9 A. Yeah, that's all.

10 Q. So do you pick up waste and take it
11 to --

12 A. Construction and demolitions. I
13 don't haul nothing except construction and
14 demolitions.

15 Q. That's all Dick Clark Company --

16 A. Ninety-nine percent of all I haul is
17 construction demolitions.

18 Q. Okay. When did you first become
19 aware of the Skinners or the Skinner property out
20 there on Cincinnati-Dayton Road, approximately; at
21 what stage during this history, when you were a
22 kid, when you started working for your dad?

23 A. Ask me when did I become aware of
24 Skinners, the name Skinners? I went to school with

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1 them. They went to St. Mike's down here in
2 Sharonville. I knew the Skinners, I knew them.

3 Q. What are your first remembrances of
4 the Skinners from the waste business perspective?

5 A. I don't know when they started, and
6 when you said the first, I don't remember anybody.
7 It's either -- They were never a competitor, a big
8 competitor.

9 Q. They weren't in the hauling business?

10 A. No, no. I mean, I think they had
11 trucks, but they didn't go out and pick up trash
12 and garbage.

13 Q. Right.

14 A. They would pick up a load of skids.
15 They didn't pick up nothing else. Now, I don't
16 know what else. They didn't go pick up trash, like
17 cardboard and stuff like that, no.

18 Q. Did you ever have any involvement
19 with the Skinners when you were working for your
20 father's business, first the dump then the
21 incinerator?

22 A. I don't know what you mean by
23 involvement.

24 Q. Business involvement, did you ever

1 send business to them?

2 A. No.

3 Q. Or get business from them?

4 A. No. We were competitors. See, back
5 then you didn't talk to your competitors.

6 Q. Did you know Albert Skinner?

7 A. Personally?

8 Q. Yes.

9 A. No.

10 Q. Do you know John?

11 A. John, yeah. John went to St. Mike's.

12 Q. What about Ray?

13 A. Ray is a lot younger. Did I know him
14 then?

15 Q. Yes.

16 A. As a little kid, just a terrible
17 mischievous kid. Everybody knew Ray Skinner. I
18 mean, he was just -- I don't like to say this on
19 that. He was just a devilish kid, devilish kid. I
20 guess you've heard.

21 Q. When your incinerator was closed down
22 and you started in the hauling operations, your
23 family --

24 A. Yeah.

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1 Q. -- Did you ever haul waste to the
2 Skinner Landfill?

3 A. No, no.

4 Q. What landfill?

5 A. Schlichter, S C H L I C H T E R.

6 Q. Could you say where they are, too?

7 A. Out in Ross. And Stubsmill, but most
8 all went to Schlichter. You said when we first
9 started, made the transition over, yes.

10 Q. So you personally drove waste out to
11 these places?

12 A. Yeah, yeah. We couldn't -- We're
13 transferring, you couldn't get your trucks in and
14 out of that place, you couldn't get them in and
15 out. Did you ever take a ride on that driveway
16 back up there?

17 Q. How far away is Schlichter?

18 A. Twenty miles.

19 Q. Would you go out there a couple times
20 a day?

21 A. We would hope a bunch. I would,
22 yeah, more than a couple times a day.

23 Q. So there was nothing closer than
24 that?

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1 A. Yeah. There was Rumpke, but he was a
2 competitor; Schlichter didn't haul.

3 Q. Okay.

4 A. You didn't go to your competitors.

5 Q. Would you say the majority of the
6 waste that you guys hauled went to Schlichter,
7 then?

8 A. When are you talking?

9 Q. During these -- During the time that
10 you were running this transfer operation.

11 A. Yes.

12 Q. At first?

13 A. Yes.

14 Q. Okay. Then when you -- that's up to
15 the time where you bought out the family hauling
16 business?

17 A. Hold on. Okay. Big Foot, BFI's
18 landfill in Fairfield, we hauled there, too.

19 Q. That's the one in Warren County?

20 A. No. No. I'm sorry, FIDO. F I D O,
21 Fairfield Industrial Development Organization.
22 During the time the transfers -- we was in
23 operation, we shut down, we went to FIDO, that's in
24 Fairfield over here. I forgot about that.

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1 Q. How far away is Fairfield?

2 A. About ten, twelve. They were higher.

3 Q. They were what?

4 A. They were higher.

5 Q. So it was more expensive, but it was
6 a little closer?

7 A. Yes.

8 Q. Okay.

9 A. If you go to Schlichter, you would
10 have a straight run out 275 to 27 and down the
11 hill. If you went over there, you went through an
12 awful lot of turns and starts and stops.

13 Q. When you bought out the family
14 hauling business, what sites did your company use
15 for disposal?

16 A. No change, Stubsmill landfill, FIDO,
17 I guess FIDO and Schlichter.

18 Q. Were you -- Did you still drive after
19 you bought the family business, were you still a
20 driver?

21 A. No, no.

22 Q. How many drivers did you have?

23 A. Maybe four or five.

24 Q. Did you direct them where to take the

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1 waste?

2 A. Yeah.

3 Q. Did you ever tell any of them to take
4 waste to Skinner?

5 A. We didn't take a load of trash -- not
6 only direct them, we didn't take any load of trash
7 to Skinner, any load of trash to Skinner.

8 Q. Okay.

9 A. On my knowledge.

10 Q. Okay.

11 A. Any load of trash to Skinner,
12 directed, indirected.

13 Q. Were you aware at the time either
14 when you were working part of this transfer
15 operation or after you took over the family hauling
16 business of what other companies or other haulers
17 were taking waste to Skinner? And by companies I
18 mean a particular company's waste that, you know, a
19 company had generated waste or a hauler, like
20 another trucking outfit.

21 A. As far as me having knowledge of
22 anybody driving in there back then, I mean, I was
23 preoccupied with something else. They're up over
24 here, and I'm down over here. As far as me

1 definitely, you know, rumors and stuff like that,
2 but we don't know nothing about rumors or talk. As
3 far as me definitely knowing, I don't know.

4 Q. You don't recall any names
5 specifically?

6 A. Well, they would just be, as far as
7 me definitely knowing, you know, watching that
8 truck, because there was no need of me being up
9 there or seeing that.

10 Q. At Skinner you mean?

11 A. Yeah. Why would I be?

12 Q. There are some site logs from -- that
13 the Skinners kept, that Elsa Skinner kept, listing
14 customers. There's some entries for Clark Sanitary
15 Fill in 1956, and Clark Sanitary Fill, 1963,
16 Clark's Services, Inc., 1985, under miscellaneous
17 dumping at disposal plant. Are you familiar or
18 have any recollection what these would be referring
19 to?

20 A. In 1985, 1985?

21 Q. June 26th, '85, Clark's Services,
22 Inc., 9740 Cincinnati-Dayton Road, which is where
23 you are.

24 A. If that was in '85, it had to be

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1 something of my own. It couldn't be nothing but
2 fence or trees, because I wasn't in the business,
3 but I might have cleaned up -- I have farms,, you
4 asked me what I did -- I bought property, okay?
5 Right down the street here, I could have taken a
6 load out of that barn, old hay or something like
7 that.

8 Q. Because '85 is that period when you
9 were --

10 A. I wasn't in business.

11 Q. Could Clark Service, Inc. refer to
12 somebody else in your family; were there any other
13 family waste hauling operations?

14 A. There was Marty, but, you know, he
15 wasn't Clark Service, Inc. The only thing it could
16 be is me and hauling fence. If there was, it
17 couldn't have been over a load. How many loads?

18 Q. Just one is listed out here, one
19 payment of \$50.

20 A. Okay. That could have been me.

21 Q. And then there's under miscellaneous
22 dumping at disposal plant, in the year 1987 Clark's
23 Disposal is listed for \$1,205.

24 A. Now, that could have been -- What

1 year?

2 Q. 1987.

3 A. That could have been me or my
4 brother. Now, we got into cleaning, bulldozers and
5 demolitions, tearing up concrete, stuff like that.
6 I didn't get back into the trash business, but I
7 could do demolitions, which wasn't the same type.
8 And I don't know, there could have been, it would
9 have been -- it had to have been demolitions if it
10 was, \$1,000. All I can think would be trees or
11 whatever.

12 Q. Do you recall personally taking
13 anything out to the Skinner site during the '80s,
14 '85, '87?

15 A. I might have taken a load. I might
16 have taken two loads. I might have hauled a load
17 or two. That Clark Services, that could be my
18 brother or me in '87 or '88. I could have taken a
19 load, I don't know if I did. I could have taken a
20 load in '85 when I was cleaning up that -- We have
21 a farm. I got 70 acres within a mile of here,
22 right here on Cincinnati-Dayton Road, it's on
23 industrial property. That's what I did, I bought
24 industrial property, cleaned it up. I could have

1 hauled a load or two up there in '85.

2 Q. You've been to the Skinner site a
3 number of times?

4 A. Yes, since '85, yes.

5 Q. Why would you have started going out
6 there?

7 A. Because I was my only driver.
8 There's only two people, that's Charlie and myself,
9 so I could have drove up there; he could have. Why
10 would I be up there then, that was all the help
11 there was, he and/or I drove by.

12 Q. Because Skinner was nearby?

13 A. Yeah, because we knew he could take
14 construction and demolition. When did they close
15 him down for taking trash?

16 Q. 'Ninety, I believe?

17 A. No, no.

18 Q. Garbage, things like that, do you
19 recall?

20 A. It had to be back in early --

21 Q. 'Seventy-eight or something like
22 that?

23 A. Yeah, yeah.

24 Q. So after that it was just

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1 construction and demolitions type stuff?

2 A. Yeah, yeah.

3 Q. When you were out there in those
4 times, where you may have, where you took some
5 waste out to Skinner in the '80's, do you recall
6 seeing any other company trucks out there, any
7 other --

8 A. Competitors, yeah.

9 Q. What names do you remember seeing?

10 A. There was King and Whitton, and
11 they've been hauling there for a long time.

12 Q. Did you especially see King and
13 Whitton trucks out there on the Skinner site?

14 A. Yeah, yeah, yeah.

15 Q. Do you recall any other names?

16 A. I don't remember.

17 Q. Were these trucks dumping on the
18 landfill area out there; was everybody dumping in
19 the same place?

20 A. Yeah, oh, yeah, yeah.

21 Q. Were there any Skinners out there
22 supervising the operations?

23 A. No. I mean, not --

24 Q. What would happen when you had a

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1 truckload of something to dump out at the Skinner
2 site?

3 A. Well, if we had a truckload of
4 something -- I don't know what you mean by
5 something.

6 Q. Anything, anything that was --

7 A. We didn't haul anything.

8 Q. Whatever it was that you had that you
9 were going to dump.

10 A. If we took stuff like that in there,
11 you just take it up and dump it.

12 Q. Would you see anybody?

13 A. There might be somebody up there, the
14 helper or something like that.

15 Q. How did you know where to go?

16 A. There was just a scene area on top of
17 where, on top of where it was before. I mean, you
18 see the brick and everything else, you just take it
19 back there and dump it.

20 Q. How did you pay the Skinners?

21 A. You filled out a slip and put it in
22 the mailbox, and they sent you a bill.

23 Q. Do you have any knowledge about these
24 earlier Clark entries?

1 A. I don't know what you're talking
2 about.

3 Q. The couple in the '50s and '60's
4 which I read to you. There was Clark sanitary fill
5 in 1956, there's an entry on the Skinner log back
6 then?

7 A. I don't know what, as far as dumping
8 a load up there?

9 Q. Yes.

10 A. I don't believe that.

11 Q. These are logs that Elsa, I guess,
12 took from the tickets out of the mailbox and wrote
13 down all the information.

14 A. I don't think so. In '57 you say?

15 Q. 'Fifty-six.

16 A. I don't think they even had a dump
17 then.

18 Q. They did, they had waste coming out
19 there back then.

20 A. What?

21 Q. The Skinners were having waste
22 disposal on their property back then. It may not
23 have been real frequent, and then --

24 A. Could you tell me who else dumped out

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1 there during that time if that's in that log?

2 Q. In '56 it lists C. Sanders.

3 A. Okay.

4 Q. Sharonville, Byrnes and Conway
5 Company.

6 A. That's just dirt and gravel.

7 Q. Gene Crow.

8 A. He's a mechanic.

9 Q. It says \$11.

10 A. Now, this is how much business they
11 had. Keep telling me.

12 Q. J. Weber, Dawson Heating & Air
13 Conditioning.

14 A. That's just a contractor, if they had
15 dirt across the street, we don't call that doing
16 business.

17 Q. Cincinnati something and finishing
18 company, Carl Miller, Aeronca Manufacturing, A E R
19 O N C A, Howard George, Clark Sanitary Fill,
20 Sharonville, Ohio, Bob Howard, HW Miller
21 Construction Company. That's it. I mean, that's
22 all that's listed for '56.

23 A. You just talked to me -- about eight
24 percent of those are excavators, all they're

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1 hauling is blacktop or dirt.

2 Q. Miller is listed on shovel and
3 excavation.

4 A. If I was a customer, the problem of
5 it is, Skinner would have metal and sell metal, my
6 father could have bought some metal from them.
7 There would be no reason for us to haul a load to
8 Skinner's.

9 Q. In 1963, there are several entries
10 for Clark Sanitary Fill. One says Tom Clark;
11 that's your dad, you said?

12 A. That's my dad.

13 Q. Tom Clark, Clark Sanitary Fill, March
14 5th, 1963, \$96; August 20th, 1963, that's about
15 five months later, \$150, then --

16 A. Would that be checks, would that be
17 checks from a balance sheet?

18 Q. Checks from a balance sheet.

19 A. Would that be checks from deposit
20 slips?

21 Q. I think Elsa took the receipts out of
22 the mailboxes.

23 A. No, no. I'm trying to figure out if
24 she's getting those from deposit slips. She's

1 getting that information I would say from deposit
2 slips.

3 MR. TISDALE: No. This was a hand
4 journal that they kept.

5 A. We might have bought metal from
6 them. My dad would buy metal from them. They
7 would tear down metal buildings, and we would buy
8 beams from them. That's the first person you call
9 on beams.

10 MR. TISDALE: That would have been a
11 separate entry. They listed their entries as to
12 the types of income that was coming in and these
13 names here were listed under dumping. They had
14 separate categories in the journals for other
15 things like sale of metal or for hauling that they
16 did.

17 A. I don't know. They were that
18 specific.

19 Q. If you can --

20 A. What was this, a strike of
21 lightening?

22 Q. If you can tell me, you have no
23 recollection?

24 A. I have no recollection of my father

1 going up there and signing anything except that he
2 would be on that property to buy metal.

3 Q. There's one more, on 6/3 which says
4 Clark's Complete Collection.

5 A. I forgot about that name.

6 Q. What is that?

7 A. Well, that was another name, I
8 thought I mentioned that. That was another name,
9 Clark's Complete Collection, it had another name.

10 Q. Was that a separate company?

11 A. No, just another name.

12 Q. What operation was that?

13 A. That was probably the one dump
14 truck. That's when it converted from one dump
15 truck, from the dump business to the dump, and the
16 one dump truck.

17 Q. Are you saying then, you have no
18 recollection of these incident from '56 and '63?

19 A. No. And I don't know my father
20 brought anything up there, either. Let me ask you
21 a question, what would be the purpose? We had a
22 bigger business than he did. Why would my father
23 be driving a truck up there. I can't make any
24 sense out of that at all.

1 Q. Guess it was a nearby available
2 place?

3 A. No. That's way out of his way to
4 come up here. We was down there. I mean, you've
5 got to understand, I know I'm not liable or nothing
6 else, but I don't believe that. I honestly do not
7 believe that.

8 Q. Okay. Who are your primary -- I want
9 to ask you some questions about your competitors,
10 going back a ways here. Back to the time of the
11 transfer operation, who were your primary
12 competitors at that time?

13 A. Dick's Trash, Jennings's System, just
14 put Jennings's, Rumpke, King, I'm not going to, you
15 want me to come up with everybody who was -- that
16 was in the business? Whitton, if I'm not
17 mistaken. In the transfer you said?

18 Q. Well, start then and if you want to
19 bring it up.

20 A. I don't know if that was with BFI, if
21 that had changed off the names.

22 Q. Well, if it's a different time
23 period, just tell me that. I want to know who your
24 competitors were at all stages.

1 A. Big town, Rumpke, he's a big hauler.
2 He's the biggest private hauler in this part of the
3 country.

4 Q. Who was Dick's Trash, do you recall?

5 A. There's something there, Dick's Trash
6 and Jennings was bought out by BFI. Were they
7 competitors of mine at that time, they were either
8 one name or the other.

9 Q. They were either what?

10 A. They were either -- BFI bought out
11 Jennings and Dick's Trash, I don't know what date
12 that was. You asked me who the competitor was.
13 They're either Jennings and Dick's Trash or both
14 together, BFI.

15 Q. So BFI became a competitor of yours?

16 A. Yes, yes, yes.

17 Q. When you bought the family hauling
18 business, who were your competitors?

19 A. BFI, Rumpke, King, Whitton. I know
20 I'm forgetting some people. We never picked up
21 residential waste, we never picked up residential
22 waste, never hauled residential waste. So they
23 were competitors residential, but they weren't
24 competitors of ours.

1 Q. What types of waste did you pick up?

2 A. Just containerized. Front loaders,
3 you know, behind the restaurant, in the compactors
4 of the buildings.

5 Q. Did you call those commercial
6 accounts?

7 A. Yeah, commercial accounts, correct.

8 Q. Did you have any industrial accounts?

9 A. Oh, yeah, yes.

10 Q. Did you ever haul any barrels,
11 anything that may have had chemicals or any kind of
12 chemical waste in it?

13 A. When are you talking about?

14 Q. During the time where I guess
15 specifically after you took over the family hauling
16 business?

17 A. No, no, no.

18 Q. So you had industrial and commercial
19 accounts?

20 A. Yeah, no residential, GE, McDonald's.

21 Q. Okay. We'll finish up with your
22 competition. After you sold the landfill and the
23 hauling operation to BFI and when you got back in
24 the business in '88 or so, who was your competition

1 during that period up to the present?

2 A. King, Whitton, Rumpke, Jim's Scrap.

3 Q. Jim?

4 A. Jim, J I M, Jim's Scrap. I'm
5 probably missing somebody,. It's hard for me to
6 remember. To the present, Waste Management, BFI,
7 BFI is still around.

8 Q. When did Waste Management come on to
9 the scene; did they buy some smaller company and
10 get in that way?

11 A. See, Waste Management owns Elda.
12 Elda is a landfill, and when Waste Management
13 bought our portalets, the guy who sold the
14 portalets to them became a Waste Management man,
15 and I would say that's maybe '84, '85, '83,
16 somewhere around there. Waste Management got into
17 the hauling, in the hauling end. Now, Elda and --
18 Elda is on Este Avenue, E S T E. I would say they
19 have been down there since '70's, early '70's.

20 Q. Okay. I want to ask you a couple
21 questions about the types of waste that you hauled
22 during these various stages of your operations. If
23 we could again start back at the time of this
24 transfer operation where your family first got some

1 trucks going. What types of waste were you hauling
2 back then? You had mentioned it was anything of
3 being capable of being crushed or compacted?

4 A. Well --

5 Q. How did you know what you were
6 getting, what kinds of waste?

7 A. Nobody knows, how do you know what
8 you're getting today either? I mean, really, they
9 could throw something in an eight-yarder with
10 positive positively, you could go to McDonald's and
11 throw your waste in the McDonald's container.
12 You're asking how would you definitely know,
13 definitely know anything, I don't know how you
14 would be positive of anything.

15 Q. Was the garbage coming out of
16 dumpster or front loaders like you're calling them?

17 A. Unless skids, skids or stuff like
18 that, yeah. I mean, I don't know what you're
19 referring to. Everything didn't go to the transfer
20 station.

21 Q. What didn't go there?

22 A. Skids.

23 Q. What are skids?

24 A. Pallets, you know. If we turned and

1 had a front loader, we didn't take all our trash to
2 the transfer station.

3 Q. How was that decision made whether
4 something would go to the transfer station or not?

5 A. Well, dad, he was, you know, he would
6 be on the telephone, this was before I took off,
7 but dad was there and the transfer station, there
8 was no sense, you know what I mean by shrink. If
9 you get a forty-yard or thirty-yard truck in, and
10 it's packed tight, there's no sense putting it in
11 another truck. You would take that front loader
12 and send him to a landfill. If he had soft stuff
13 like cardboard, and it really wasn't packed, we
14 would shrink it. At the end of the day, when you
15 went to the landfill, if you had a partial load,
16 they wouldn't charge you for a full load. That's
17 when the transfer station became good for us, for
18 the pieces of load.

19 Q. You could accumulate them?

20 A. If you have four trucks out or a
21 piece of load on and a guy was close by and you
22 saved a lot of time, you would take him in there.
23 We never dumped 100 percent of our stuff, no way,
24 in the transfer station, because it wasn't all,

1 where you could pack some more. And how much
2 business we had at the time, God, I don't know.

3 Q. When you started your own hauling
4 business or took off the family business, what
5 types of waste did you haul then?

6 A. Well, I run it myself. We hauled
7 front loaders and roll-offs, as far as my memory is
8 concerned.

9 Q. When you would bring a truckload of
10 that kind of waste to a landfill, what does the
11 landfill do to decide whether they'll accept the
12 waste?

13 A. Well, if you dump, you know, first of
14 all, you mean if there was an oops and a change, he
15 wouldn't take it.

16 Q. A what?

17 A. An oops, how did he set it up, it's
18 normal trash. He just takes whatever you bring
19 in. If it's, you know --

20 Q. Let's say, back in 1980 to '83 or so
21 when you were running this hauling business, I'm
22 just trying to get a feel for the process by which
23 you would bring waste?

24 A. Just bring a front-loader truck in

1 that had dumped at different businesses and
2 restaurants and apartment complexes, and you would
3 pop the back door and push it out.

4 Q. When you would bring waste to
5 Stubsmill landfill, Schlichter, et cetera, I mean,
6 what would you do when you would drive into the
7 landfill, would the guy say what do you have? I
8 mean, how would that be determined?

9 A. No, no.

10 Q. You just say, just direct you where
11 to dump the waste?

12 A. You just come out from where the load
13 was before.

14 Q. Was it assumed that everything was
15 either commercial or residential, that type of
16 waste as opposed to chemical waste?

17 A. You couldn't, we're talking about dry
18 stuff. We're talking about containers. If you
19 would ask some more pointed question. You just
20 didn't get into the containers.

21 Q. All the waste that you ever hauled,
22 you would classify as dry waste like that? Did you
23 ever dispose of any liquid, liquid waste?

24 A. In my life?

1 Q. Yes.

2 A. I couldn't say no because I don't
3 know. You can't guarantee what's in those
4 dumpsters.

5 Q. I mean something that was obviously a
6 load of liquid waste which would typically be
7 stored in barrels or some sort of tank, that
8 obviously contained liquid?

9 A. Myself?

10 Q. Yes.

11 A. Did I ever haul a load or dump a load
12 myself, you say?

13 Q. Yes, or your company?

14 A. I don't know what my father did,
15 because I didn't run all parts of the operation. I
16 can't definitely say I never hauled it. The
17 correct way to answer that would be with my
18 attorney to answer that question, because that
19 wouldn't assume anything. I mean, I can say to you
20 and when I took over the business in '80 and
21 someone took an empty drum and brought it to my
22 landfill, I made them take it back.

23 Q. I'm asking if you have any specific
24 remembrances. I'm not asking you for a blanket

1 statement that you never did. I'm just saying, do
2 you have any specific remembrances of transporting
3 or hauling, you know, what anybody would
4 characterize as liquid?

5 A. You're saying me. What time are you
6 talking about me?

7 Q. At any of these various stages where
8 you were in the hauling business.

9 A. Well, I was in the hauling business
10 from 1980 to 1983. My father was in the hauling
11 business, and then there was a period of time that
12 I was not near the business. I didn't work for my
13 father all the time. I worked for Price Brothers.
14 I worked for Richter Concrete. And that blanket
15 statement of anything, I'm not prepared to answer,
16 because I don't know what area that you're talking
17 about.

18 Q. How about between say '76 when the
19 transfer operation began, approximately?

20 A. I don't remember that.

21 Q. Between there and '83. So you were
22 in the hauling business or in the hauling operation
23 from the time, it's my understanding, from the time
24 the incinerator shut down and the transfer

1 operation began?

2 A. No, my father was.

3 Q. But you were associated with it?

4 A. Yes.

5 Q. You worked for the company, and you
6 drove trucks?

7 A. Yes, yes.

8 Q. So I'm including that time period up
9 through and including the time where you operated
10 your own hauling business. So when you worked at
11 the transfer station or as part of that operation,
12 I'm asking about whether you personally ever drove
13 trucks or loads of waste or knew of anybody else
14 who did for that -- did that where those were
15 liquid waste or during your own periods of your own
16 operation from '80 to '83 or so?

17 A. Like I told you the other day, if a
18 question came up like that, without knowing the
19 proper way to answer it, I reserve the right to
20 have my attorney here. I don't have counsel here.
21 That's a long period of time that you expect me to
22 remember all that.

23 Q. I'm asking whether you have any
24 specific memory, and you do have an obligation to

1 answer that.

2 A. You told me the other day that I
3 could reserve that, if a question comes up that my
4 attorney, I would want to answer that properly with
5 him.

6 Q. Well, what I intended to say --

7 A. Remember when I asked you, I don't
8 have any fears or nothing like that, am I going to
9 need an attorney or are some going to be general
10 questions and you told me --

11 Q. I told you it was your own decision
12 whether you would have an attorney.

13 A. You did tell me that, and I went
14 further and asked if -- and if you pursue it, I
15 refuse to answer it until -- it might incriminate
16 me -- until I talk to my attorney, I do have the
17 right to say that.

18 Q. You're under oath to answer these
19 questions as truthfully as you are able to. ~

20 A. Well, when you become more specific
21 and without proper counsel of answering it
22 correctly, I would like to be advised by my
23 attorney.

24 Q. If you don't have --

1 A. Or else, I don't know which answer,
2 I'm just trying to be nice, because the word
3 liability, when it comes to this, I have to watch
4 the way I answer you, because my memory, and what
5 happened, and what you're looking at, I don't know,
6 that's two different things. And as far as I know,
7 I don't know how to answer that question.

8 MR. TISDALE: Let's take a
9 ten-minute break.

10 (Brief recess.)

11 BY MR. BRESLIN:

12 Q. You've explained to me that most of
13 the waste that you hauled during the time where you
14 ran the hauling operation, '80 to '83 would be what
15 we've been calling dry type waste?

16 | A. Yes.

17 Q. You would pick up dumpsters or front
18 loaders, dump them into a truck, haul it, haul it
19 off to a landfill? -

20 | A. Uh-huh.

21 Q. I'm saying during that time period do
22 you have any recollection of driving a truck to
23 some industry, industrial corporation?

24 A. No, no, I don't have any recollection

1 of that.

2 Q. Okay. During that same time period
3 from '80 to '83, do you have any recollection of
4 transporting or disposing of a load of waste which
5 was in the form of barrels or other containers of
6 liquid where you knew that it was liquid waste? I
7 understand there could have been a container with
8 liquid in it hidden.

9 A. For what somebody else did at those
10 dates, okay, I would have to, I'm not -- I don't
11 have enough things to answer that question. I
12 don't have enough information.

13 Q. I'm just looking for your personal
14 knowledge, what's in your head. I don't need you
15 to consult any papers.

16 A. I feel it's a very important question
17 that I wouldn't be willing to be misunderstood.
18 See, I'm trying to be nice. I wouldn't want to --
19 As far as my memory is today, I don't remember, but
20 as far as being specific --

21 Q. I'm just asking you what you
22 remember, that's all.

23 A. I don't remember hauling anything in
24 that period of time except in containerized

1 vehicles.

2 Q. Okay. Does that mean that your
3 memory of hauling containerized vehicles would be
4 of dry or dry type waste?

5 A. That's what my memory is, correct.
6 My memory is that we hauled everything dry type.
7 As far as my memory is concerned, that's all I
8 remember ever hauling, yes.

9 Q. You can only testify what you
10 remember.

11 A. Okay.

12 Q. You're only under oath to tell us
13 what it is that you can remember.

14 A. Okay.

15 Q. So that's all I'm asking of you.

16 A. Okay.

17 Q. Let me ask you a few questions.

18 We're trying to find names of other companies that
19 may have disposed of waste at the Skinner
20 landfill.

21 A. What do you mean by waste?

22 Q. Anything, any discarded material, any
23 garbage, anything that somebody is trying to get
24 rid of. Now, you had mentioned some of the hauling

1 companies, you mentioned King, Whitton, Rumpke, all
2 of those.

3 Do you recall any, any conditions
4 which may have generated the waste, companies which
5 actually created the waste themselves, do you have
6 any knowledge of any of those companies, their
7 waste going to the Skinner Landfill?

8 A. No. They just never had much of a
9 business.

10 Q. Okay.

11 A. The companies generating the waste
12 and taking it themselves, no.

13 Q. Or generating the waste and having
14 haulers take it there, I'm looking for the names of
15 the companies who generated the waste. We're
16 trying to find people who may have personal
17 knowledge of what happened at the Skinner Landfill
18 site. Can you think of any other people who might
19 have a specific or general knowledge about
20 operations out at the Skinner site.

21 A. No, I don't. I never thought there
22 was that much that went on there anyway. Maybe you
23 know more about it than I do, as far as liquid or
24 hazardous, you know more about it than I do. That

1 part of the business, I mean, you never seen it.
2 They never had no traffic. And, of course, that
3 part of the business, if I knew their names or who
4 they were, how they get that business. Now, I
5 don't think they had a name as far as I knew. As
6 far as -- I'm not saying that they didn't, I don't
7 think they had a name as far as being a hazardous
8 waste dump.

9 Q. You weren't aware of that reputation?

10 A. Rumors, I don't need to tell you,
11 rumors. There was more bullshit, rumors, my God,
12 but they were all talk. If you talked about what
13 was said and what was reality, these -- I'm not
14 shocking you, am I?

15 Q. No, we know quite a bit.

16 A. When you're talking about reality, I
17 never paid too much attention.

18 Q. There's been discussion that the
19 Skinners hauled a lot of chemical waste from the
20 Chem-Dyne site up in Hamilton, took it from there
21 down to the Skinner's site and dumped it there. Do
22 you have any knowledge of that?

23 A. See, that would be all -- not only of
24 that. No, I don't. I have no knowledge of that at

1 all, none, never hauled any for Chem-Dyne. Only
2 time I got a call from Chem-Dyne, when have they
3 get in trouble, they called me. What have that
4 guy's name is.

5 Q. Mr. Kovacs --

6 A. Yeah, Kovacs he called me on the
7 phone.

8 Q. Why did he call you?

9 A. He wanted to know if I could help him
10 get out of trouble.

11 Q. What did you tell him?

12 A. Never shit -- never mind. I take
13 that back. Don't crap where you eat. All I heard
14 about is what a great salesman he was, and I don't
15 just appreciate that. That kind of stuff killed
16 our industry, makes us all look -- I mean, back
17 then, everybody, you go to a restaurant, and
18 particular, what about this, you just don't -- no.
19 That's bull crap.

20 Q. Okay.

21 A. I really never appreciated him. I
22 did not like what he did. Now, whether Skinner
23 partook in two, I really don't know. We never got
24 a call to haul, we never got a call from Kovacs

1 from Chem-Dyne. We didn't know what they were
2 doing. I got more information out of the newspaper
3 that they were hauling it there, hauling it back to
4 there. As far as anything else, I don't know. I
5 heard they were hauling it to Texas.

6 Q. The only thing I have left is, I
7 think, to run down a list of companies and towns
8 and just wanted to ask you if you have any
9 knowledge of these entities having dumped anything
10 at the Skinner site, and you can just say yes or no
11 to each company name.

12 A. Now, see, if I'm going to do that, I
13 would have had to witnessed that electric driving
14 in there, right? You're talking about just my -- I
15 don't know how I'm supposed to answer that. I
16 thought about this before I came. If I'm supposed
17 to say, have I seen people driving in there, either
18 seen it. Now, if I heard they were going in there,
19 that would be different.

20 Q. Tell me you heard about it.

21 A. That doesn't mean it's correct or
22 not?

23 Q. Correct.

24 A. I just, if you say something, and,

1 about somebody.

2 Q. Tell me if you saw it anything
3 yourself or if you heard about it.

4 A. Okay.

5 Q. Or no, I don't have any knowledge.

6 A. Okay.

7 MR. BRESLIN: Before I do that, do
8 you guys want to ask any questions?

9 MR. KAWECKI: Take a break for a
10 couple minutes.

11 (Brief recess.)

12 BY MR. BRESLIN:

13 Q. I had a couple questions I wanted to
14 ask you. There's records from the Butler County
15 Health Department, I think, I believe it's from
16 1963, which mentions a load of ash containing
17 cyanide came from Ford Motor Company and was going
18 to be disposed at, I guess it would be, the old
19 Clark dump. And apparently it was that load from
20 that Ford was diverted or redirected to go to
21 Skinner property, and the ash containing cyanide
22 from Ford was dumped out at the Skinner property.

23 A. Was there knowledge at the time that
24 that was cyanide?

1 Q. Yes.

2 A. My father wouldn't have.

3 Q. Do you have any recollection, do you
4 have any knowledge of that?

5 A. No, no.

6 Q. Of that incident?

7 A. I wasn't there. I was -- I wasn't
8 even -- I would say I was in Delaware at the time
9 in the service position, if I'm not mistaken. No,
10 I don't know. But I tell you one thing, he was an
11 Irishman, he was warned daily. And I don't think
12 he -- I never ever heard about anybody talking
13 about cyanide over anything like that at the time.
14 We only had a small place. We only had like
15 sixteen acres. So we didn't take any hard fill,
16 okay. Because we needed the room to dump our ashes
17 from our incinerator. But they knew it was cyanide
18 ash?

19 Q. Do you recall at any time working for
20 your father's business where your company or your
21 father directed somebody to take waste to the
22 Skinner site?

23 A. Never, never.

24 Q. I wanted to ask you a couple

1 questions about your relationship with John
2 Skinner. You mentioned you went to school with
3 him?

4 A. Right.

5 Q. What grades was that?

6 A. He was probably two years lady of
7 me. I don't think, I think John was -- I was
8 young, I don't know if John even finished eighth
9 grade. So he might have been in the fifth and
10 sixth. I don't know that he graduated from the
11 eighth grade.

12 Q. Were you friends with him?

13 A. No, no.

14 Q. Did you have any kind of --

15 A. I never had a sandwich with him. I
16 never visited with him. I never had a training
17 with him. I never rode in his car. I never went
18 to see him. And I don't want to say something. I
19 don't know if you know about John Skinner, I don't
20 feel comfortable, he's dead now, I just don't feel
21 comfortable about saying things.

22 Q. You don't have to say anything --

23 A. Derogatory.

24 Q. You don't have to say any derogatory

1 things about him.

2 A. That's not nice.

3 Q. When you were adults, did you have a
4 relationship with him, social, any kind of social?

5 A. Never mind. You're asking me
6 questions you already know about.

7 Q. No, I don't know much about John
8 actually?

9 A. Well, in all due respect they were
10 nice people and respect. They were just good for
11 about thirty, forty years, you know, they didn't, I
12 didn't know him to be social. He had a beard.

13 Q. Do you recall the incident in 1976
14 when there was a fire out at the Skinner site and
15 Ohio EPA came out?

16 A. Yeah, sure do.

17 Q. What do you remember about that
18 incident?

19 A. I remember because I lived in West
20 Chester, a lot of smoke. And with EPA and Joe
21 Moore, and I had a relationship with Joe Moore who
22 was the district overseer of this area. The only
23 information I got at the time, because I kind of
24 had a good name with EPA, except that they shut us

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1 down, but the only thing I know is information I
2 got from the newspaper and the black smoke. When
3 that fire went off, and I am not living very far,
4 and I live up a hill, you could look up off there
5 and see the black smoke.

6 Q. Did you go out to the site and see
7 what was going on?

8 A. No, I didn't go out to that site,
9 no.

10 Q. I'm going to run through this list of
11 companies with you, and again like I said, if you
12 have any knowledge about it, say yes and we'll stop
13 for a minute. If you say no --

14 A. Knowledge?

15 Q. Any memory, memory.

16 A. Of what?

17 Q. Of this company or entity having
18 disposed of waste at the Skinner Landfill site. I
19 don't mean have you ever heard of this company. I
20 mean do you have any memory of any, memory or any
21 knowledge of connection between this company and
22 the Skinner site or the Skinners. That's all I
23 want to know.

24 A. Are you talking about hazardous?

1 Q. Anything.

2 A. Okay.

3 Q. Aeronca?

4 A. Never heard of them.

5 Q. It's in Middletown. Acme Wrecking?

6 A. Yeah. I mean, yeah, I seen trucks go
7 up the road, wrecking with bricks and demolitions
8 sticking out the top.

9 Q. You saw them on the Skinner site?

10 A. No, no, just seen them going up the
11 road heading that direction.

12 Q. Okay. Allied Signal?

13 A. No. What are they, what is Allied
14 Signal?

15 Q. It's a huge company in a whole lot of
16 different industries.

17 A. Never heard of that them.

18 Q. American Cyanamid, C Y A N A M I D?

19 A. I know of the company but never of
20 the Skinners.

21 Q. Pardon me?

22 A. I know of that, but I never knew the
23 Skinners.

24 Q. You can say. Avon products?

1 A. Do I know of them taking anything up
2 there?

3 Q. Right.

4 A. No.

5 Q. BF Goodrich?

6 A. No.

7 Q. BFI?

8 A. No.

9 Q. Borden?

10 A. No.

11 Q. Butler Manufacturing?

12 A. Butler Manufacturing, what do they
13 do?

14 Q. I don't know.

15 A. There was a Butler, contractor, no,
16 Butler Manufacturing, no.

17 MR. TISDALE: There was an about
18 Butler Manufacturing in West Chester years ago that
19 made beds, bed springs, things like that, do you
20 remember them?

21 THE WITNESS: Tell me where they
22 were. They had beds springs.

23 MR. TISDALE: They were in West
24 Chester.

1 THE WITNESS: West Chester is only a
2 block long. Butler Manufacturing, no, I don't.

3 BY MR. BRESLIN:

4 Q. Byrnes-Conway Company?

5 A. They're a contractor. No, I don't
6 know, but they have been hauling blacktop or dirt.
7 No, no, I have no knowledge.

8 Q. C.M. Paula Company?

9 A. No.

10 Q. Carlisle Chemical?

11 A. No.

12 Q. Cincinnati Milacron?

13 A. No.

14 Q. Carstab?

15 A. I don't know who they are.

16 Q. Celotex Corporation?

17 A. No.

18 Q. Champion International Corporation?

19 A. I don't know who they are.

20 Q. Chem-Dyne?

21 A. No, I have no knowledge, only the
22 rumors or whatever was in the paper.

23 Q. Chemical Leaman?

24 A. No.

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1 Q. Cincinnati Enquirer?

2 A. No.

3 Q. Cincinnati Fiberglass?

4 A. Never heard of them.

5 Q. Cincinnati Industrial Machinery?

6 A. No.

7 Q. Clermont Waste?

8 A. Do I know that they dumped over
9 there?

10 Q. Yes.

11 A. No.

12 Q. Coca-Cola?

13 A. All Coca-Cola dumped out there is
14 glass, that I would think. Just a statement, only
15 thing Coca-Cola would take out there would be
16 broken bottles.

17 Q. Do you remember that?

18 A. No, I had no part in that.

19 Q. Did you hear about Coke taking stuff
20 out there?

21 A. No, that would be the only thing
22 also.

23 Q. Any memory you have connecting this
24 company with the Skinners in any way?

- 1 A. Not really, no.
- 2 Q. What were you going to say?
- 3 A. I just think that somebody hauled
- 4 glass out there.
- 5 Q. Columbus Steel Drum Company?
- 6 A. Columbus Steel, what are they?
- 7 Q. Just say no.
- 8 A. No.
- 9 Q. Thank you. David Hirschberg company?
- 10 A. No.
- 11 Q. City of Deer Park?
- 12 A. No.
- 13 Q. Dow Chemical?
- 14 A. No.
- 15 Q. Drackett Company?
- 16 A. No.
- 17 Q. Diversy DuBois Company?
- 18 A. No.
- 19 Q. Erving Paper Mills?
- 20 A. No.
- 21 Q. Village of Evendale?
- 22 A. No.
- 23 Q. Ford Motor Company?
- 24 A. No.

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- 1 Q. Formica Corporation?
- 2 A. No.
- 3 Q. Frisch's?
- 4 A. No.
- 5 Q. Did you say no, I'm going -- Sorry.
- 6 A. No.
- 7 Q. General Electric?
- 8 A. No.
- 9 Q. General Cooperage?
- 10 A. No.
- 11 Q. General Motors?
- 12 A. No.
- 13 Q. Georgia Pacific?
- 14 A. No.
- 15 Q. Village of Glendale?
- 16 A. No.
- 17 Q. Globe Valve Company?
- 18 A. No.
- 19 Q. Hall's Carryout?
- 20 A. No.
- 21 Q. International Paper Corporation?
- 22 A. No.
- 23 Q. Keenan oil?
- 24 A. No.

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1 Q. Kenner Products?

2 A. No.

3 Q. King Wrecking?

4 A. Yeah.

5 Q. Just the couple times you say you
6 were out there and saw them out there?

7 A. No, no. Okay. Now, when I was out
8 there, yeah, I seen their trucks, yes.

9 Q. Did you see anybody from King out
10 there, do you recall, any particular individual do
11 you recall seeing out there?

12 A. No, I don't remember. The driver who
13 drove the truck, I wouldn't remember what he looked
14 like.

15 Q. King Container Service?

16 A. Yeah, same thing.

17 Q. Kroger?

18 A. No.

19 Q. City of Lincoln Heights?

20 A. No.

21 Q. The Maxwell Company?

22 A. No.

23 Q. Village of Monroe?

24 A. No.

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- 1 Q. Monsanto Company?
- 2 A. No.
- 3 Q. City of Montgomery?
- 4 A. No.
- 5 Q. Morton International?
- 6 A. No.
- 7 Q. Multi-Color Corporation?
- 8 A. Nope.
- 9 Q. Ollin Corporation?
- 10 A. No.
- 11 Q. O'Rourke Wrecking Company?
- 12 A. No. I seen his truck going up the
- 13 road, I never seen them going in.
- 14 Q. Osborne Trucking?
- 15 A. No.
- 16 Q. Oxy Oil and Gas?
- 17 A. No.
- 18 Q. Frederick Levy Company?
- 19 A. No.
- 20 Q. PPG?
- 21 A. No.
- 22 Q. Penn Central Corporation?
- 23 A. No.
- 24 Q. Procter & Gamble?

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1 A. No.

2 Q. Did you ever pick anything up, any
3 waste up, from Proctor & Gamble?

4 A. Yeah.

5 Q. Do you recall what kind of waste that
6 was, what the waste was?

7 A. Well, we would haul a lot of stuff
8 for Procter & Gamble. It would be just all -- what
9 we would haul from is Center Hill, okay.

10 Q. Is that the facilities?

11 A. Center Hill is a big office complex,
12 you know, their testing and engineers, what do you
13 call it, what do you call it?

14 Q. Laboratories or --

15 A. Well, new products, what do you call
16 that, yeah.

17 MR. KAWECKI: R and D?

18 A. Yes. We would pick up, you know,
19 Pampers, then when we had the landfill, we
20 destroyed their products for them. But the only
21 part we would pick up at Procter, we didn't pick up
22 no manufacturing, just from Center Hill.

23 Q. Protech Corporation?

24 A. No.

- 1 Q. Protech Equipment Company?
2 A. No.
3 Q. Queen City Barrel Company?
4 A. No.
5 Q. Ralston Purina?
6 A. No.
7 Q. Rumpke?
8 A. Nope.
9 Q. St. Joe Container?
10 A. No.
11 Q. Sealed Container Corporation?
12 A. No.
13 Q. Service transport?
14 A. Nope.
15 Q. Shannon Iron and Metal?
16 A. Nope.
17 Q. Shell Oil Company?
18 A. No.
19 Q. City of Silverton?
20 A. Nope.
21 Q. Techno adhesives?
22 A. No. Did I know that, maybe after a
23 period of time. I don't remember today. You're
24 mentioning people that might have taken stuff

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1 there, I would hear of that. They would take like
2 they do a cleanup of brush and fence, hot water
3 heaters, then they take that up.

4 Q. If you could, just mention who those
5 are.

6 A. You're bringing things back to me
7 like Deer Park and stuff like that.

8 Q. Deer Park?

9 A. I would hear of it, but I wouldn't
10 witness it.

11 Q. We can stop for a minute if you have
12 heard some things. Techno Adhesives Company?

13 A. No.

14 Q. TR Associates?

15 A. No.

16 Q. U.S. Government or U.S. Army?

17 A. No.

18 Q. Valley Asphalt?

19 A. Nope.

20 Q. Velsicol Chemical?

21 A. No.

22 Q. Vulcan Oil Company?

23 A. No.

24 Q. Whitton Trucking company?

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1 A. Yes.

2 Q. Anything specific or the same type
3 thing as King?

4 A. Same type thing as King.

5 Q. Do you recall seeing any specific
6 individuals from Whitton out there?

7 A. Not that I remember, just truck
8 drive.

9 Q. Clark Sanitary Fill?

10 A. At Skinners, nope.

11 Q. You didn't have if I packing company?

12 A. Nope.

13 Q. How about Perkins Construction
14 Company?

15 A. Nope.

16 Q. American Laundry Machinery?

17 A. Nope.

18 Q. AT&T?

19 A. Nope.

20 Q. City of Blue Ash?

21 A. I would have known, they did the
22 cleanup or something like that.

23 Q. BP Oil?

24 A. Nope.

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- 1 Q. John Bushelman Company?
2 A. No.
3 Q. Cincinnati Industrial Machinery Drum
4 Service?
5 A. Nope.
6 Q. Continental Mineral Processing?
7 A. Nope.
8 Q. Clark Container?
9 A. Nope. Clark Container, that's not
10 me.
11 Q. Who was that?
12 A. That's Marty, that's my brother.
13 Q. Marty Clark?
14 A. Yes.
15 Q. He's on the list, too.
16 A. That's the same thing.
17 Q. Do you have any recollection or
18 knowledge of them bringing anything?
19 A. No, no.
20 Q. Gene Crow Equipment?
21 A. No.
22 Q. Deacones Hospital?
23 A. No.
24 Q. Dick Jones Quality Meats?

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1 A. No.

2 Q. The Drees Company?

3 A. Nope. Now, I hauled for Drees into
4 there.

5 Q. Pardon me?

6 A. I hauled for Drees and their
7 colleagues, you know, when Drees would clear, we
8 would haul that out there. When Drees was around
9 there, I figured I could haul that and not -- or
10 avoid my no compete, I hauled some trees for Drees,
11 you know, grounds clearing, in there.

12 Q. To the Skinner site?

13 A. Yes.

14 Q. On how many occasions would you
15 imagine that was?

16 A. Maybe 20 or 30 boxes, maybe that's
17 the one time where I had the thousand dollars.
18 Now, I don't know of Drees hauling it themselves.
19 You just happened to mention something.

20 Q. What kind of company is Drees?

21 A. A home builder.

22 Q. David and Ellen Estes?

23 A. No.

24 Q. David Estes Engineering?

- 1 A. No.
- 2 Q. City of Fairfield?
- 3 A. Nope.
- 4 Q. Firestone?
- 5 A. No.
- 6 Q. Goodyear?
- 7 A. No.
- 8 Q. Hamilton Foundry?
- 9 A. No.
- 10 Q. Hilton Davis Company?
- 11 A. No.
- 12 Q. Kings Mills General Store?
- 13 A. No.
- 14 Q. Leggett & Platt Company?
- 15 A. Nope.
- 16 Q. Lo-MAR Corp?
- 17 A. No.
- 18 Q. City of Lincoln Heights?
- 19 A. No.
- 20 Q. City of Madeira?
- 21 A. No.
- 22 Q. Metco?
- 23 A. No.
- 24 Q. Miami Valley Construction?

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1 A. No.
2 Q. Micro Center?
3 A. No.
4 Q. Mid-Atlantic Mechanical?
5 A. No.
6 Q. Mosler?
7 A. No.
8 Q. MVM, Inc.
9 A. MVM is Miami Valley, isn't it?
10 Nope.
11 Q. NAPA Auto Parts?
12 A. No.
13 Q. NCR Corporation?
14 A. No.
15 Q. Night Hawk, Inc.
16 A. Nope.
17 Q. Penn Central?
18 A. Nope.
19 Q. Pepsi-Cola?
20 A. Nope.
21 Q. Planes Moving and Storage?
22 A. Nope.
23 Q. City of Sharonville?
24 A. Yep.

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1 Q. What do you remember about that?

2 A. I just seen their truck going by, I
3 seen their truck going by. I didn't see them in
4 there.

5 Q. They had their own truck?

6 A. They had the dump truck, fences or
7 hot water heaters or toilets.

8 Q. The City had its own truck?

9 A. Yeah.

10 Q. For municipal garbage, too?

11 A. All those municipalities that you
12 mentioned at one time or maybe still have their
13 municipal service; Deer Park, Sharonville, Evendale
14 had their own garbage service, municipalities had
15 their own.

16 Q. Steelcraft?

17 A. No.

18 Q. Sunoco?

19 A. No.

20 Q. Texaco?

21 A. No.

22 Q. Thomas Sysco Food Service?

23 A. No.

24 Q. Tri-county Mall Management?

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1 A. No.

2 Q. Trinity Industries?

3 A. No.

4 Q. Union Carbide?

5 A. No.

6 Q. U.S. Post Office?

7 A. No. That's this little motive up

8 here, they built up the street. Okay, then the

9 property, they probably had a dump truck with

10 construction.

11 Q. Valley Asphalt?

12 A. No.

13 Q. Floyd Vickers?

14 A. No.

15 Q. Voice of America in Mason, Ohio?

16 A. No.

17 Q. That's Radio for Europe.

18 A. Nope.

19 Q. Warm Brothers?

20 A. Nope.

21 Q. Zero-Breese Company?

22 A. No.

23 Q. Zero Company?

24 A. No.

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1 Q. Whitton Hauling?

2 A. Yes. That was on there before, I
3 think.

4 MR. BRESLIN: That's all I have. If
5 these, if you guys have any other questions you
6 would like to ask go ahead.

7 EXAMINATION

8 BY MR. KAWECKI:

9 Q. Mr. Clark, we know from the
10 investigation that there are hazardous substances
11 in the Skinner Landfill, and we're trying to find
12 out how they got there, what the source would be.
13 Recognizing what you've said about your actions, I
14 understand that, you've also indicated though that
15 you've heard some other things. I would like for
16 you to tell me what you've heard as it relates to
17 use of the Skinner Landfill.

18 A. I was -- what I was referring to what
19 I heard, was gossip and --

20 Q. And what was that?

21 A. There was, if you -- if you heard
22 exaggerations since you were a kid, you just never
23 paid no attention. Albert would say he was
24 building an apartment in Africa, that he had

1 airplanes and tanks and all that, if you heard
2 this, a lot of people believed it. Anything that
3 happened, we wasn't in the know, and neither would
4 the Skinner people out in society very much.

5 But when the -- even when it came to
6 the amount of hazardous that's in there, in my
7 personal belief, I would like to have the cleanup
8 on that job, because I think you're talking about
9 this much, and you're going to find out it's about
10 this much. Who ever gets that contract, if you
11 tested as you go down and determine what's
12 hazardous, I think that would be smart. Because I
13 think, this is my personal, I don't know, but I
14 think you're going to find 99 or 95 percent that's
15 demo and trees and concrete and dirt, and you're
16 going to find that other part.

17 Now, that's my opinion. Because what
18 you would hear is once it was on the news, then a
19 bunch of crap, but I don't remember. Chem-Dyne, I
20 heard Chem-Dyne, you know. But my understanding of
21 Chem-Dyne deal was is that he was working on that
22 tractor/trailer that was empty and he was welding
23 on it, I don't know if this is true. My
24 understanding, he was welding on that empty tank

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1 and it caught on fire; is that correct?

2 Q. I don't know.

3 A. That was my information. Everybody
4 heard about this tank. My understanding is that
5 John would do this. You know, John would come out,
6 if he wanted a tree out, he would dynamite it away
7 from your house. So a lot of stuff, you would be
8 driving down the road and Ray would be on top of
9 the dump truck running five a miles an hour and
10 throwing bricks off the back. You couldn't pay too
11 much attention. So the amounts of my knowledge
12 that went in there, because I never drove by there
13 or took -- never was very much amount to me. Like
14 I said, companies like those there, they might have
15 hauled something up there. I don't know of
16 anything hazardous.

17 You're talking about Chem-Dyne, I
18 don't know how far they hauled up there, and it's
19 only because -- I don't know. I never knowed of
20 them as being a place to dump a big name of taking
21 stuff. That's me. But you've got to understand,
22 if you're in the incinerator business, you're not
23 going to run into the people, okay. You're just
24 not going to run into those type of people.

1 Q. Run into what kind of people?

2 A. People that's going to call you.

3 Q. Call you for what?

4 A. For anything of liquid. People, see,
5 we were not nice, you know, people knew we would
6 burn, so you wouldn't get the calls. But then we
7 wouldn't get the calls of needing because their
8 costs would be higher. Landfilling versus
9 incineration were not competition. Our minimum
10 charge was \$5 a ton, and they were probably
11 charging 50 cents a yard. We weren't competitors,
12 we were higher. You have to be higher burning
13 trash.

14 Q. Who would have hauled liquid waste in
15 the '70's?

16 A. I don't know of anybody that did it
17 per se for a living. I just thought that people
18 would get a tanker or have their own tankers and do
19 it. I just don't know. I'm being honest with
20 you. I wouldn't, I didn't know, okay. I know of
21 nobody that had a tanker that personally hauled
22 liquid waste to dispose of it. There's Maxwell
23 people and stuff like that, I don't know if they
24 hauled products or dirt or soap or oil or whatever.

1 Q. I'm sorry, Maxwell people?

2 A. Maxwell people, they're just another
3 tanker company that hauled.

4 MR. TISDALE: You're referring to
5 Maxwell Trucking?

6 A. Yeah. I didn't have any knowledge of
7 them taking anything up there. And, first, I
8 didn't know where I would get the knowledge. They
9 were wouldn't be calling me.

10 MR. BRESLIN: Did they haul liquid,
11 Maxwell.

12 THE WITNESS: My information, I'm
13 talking about, good saleable liquid, you know, like
14 gasoline, fuel oil, chemicals, you know, for
15 Procter & Gamble, you know.

16 BY MR. KAWECKI:

17 Q. Well, there are industrial companies
18 in the area, during the '70's and '60's, they would
19 have generated industrial waste? -

20 A. Yeah.

21 Q. That waste could have been hand
22 filled?

23 A. Okay. But my --

24 Q. What would have -- What would those

1 companies have done with their waste?

2 A. I think they put it down the damn
3 sewer. Those people just didn't identify that we
4 want to put a burner place up, people come to us,
5 because we had the property, we wanted to put a
6 burner up, they never had nothing. People come to
7 us because we had an incinerator, nobody had
8 nothing. So I think it was kind of a hidden
9 thing.

10 Now, you understand that I'm not
11 saying that, that Rumpke or somebody didn't take
12 sewer sludge or whatever other people did, but
13 people never come out for wash, people never
14 called. They would find somebody, but they didn't
15 call ten places. If you're looking for a pair of
16 places, back then they just didn't want the word
17 out I guess. I don't know what they did. I think
18 the sewer techs, we're finding out today they did a
19 lot. I might be naive, don't take that as gossip.
20 It wasn't a big thing, maybe it was bigger than
21 Skinner, and it probably was. I never thought it
22 was that big of thing.

23 Q. Some of the waste could be sewered,
24 other waste that would be hazardous waste could not

1 be sewerer?

2 A. People are doing it today.

3 Q. I understand, but could not be.

4 A. Okay.

5 Q. What would have happened to that
6 waste?

7 A. I don't know. I'm just being honest,
8 from my knowledge of very much going, Skinner,
9 Chem-Dyne or whatever was in the paper is all the
10 knowledge I have, is what went to Skinner.

11 EXAMINATION

12 BY MR. TISDALE:

13 Q. Your family had a small landfill off
14 at the beginning and --

15 A. No, not a dump, we burned.

16 Q. And then up it went to the
17 incinerator?

18 A. Yes, sir.

19 Q. Who were some of the small
20 independent contractors in those days, like the
21 one-truck operations; do you recall any of them?

22 A. See, when my dad went to the
23 incinerator, I was in the service. I left home
24 when I was eighteen years old and in that time I

1 was never, when he built the incinerator, I wasn't
2 around. I don't remember some of their names.
3 You're talking about rear load people, we call rear
4 load residential, loads in the rear of the truck.

5 Q. Yeah. Not necessarily, you're
6 talking about a standard type garbage truck. I'm
7 talking about the guys with the steel trucks maybe
8 or a five-ton dump or something like that.

9 A. The hauling or the grocery store?

10 Q. Yes.

11 A. A lot of people would haul their
12 little pickup trucks.

13 Q. You seem to recognize a name that we
14 went through the Skinner log, Sanders?

15 A. Yeah. They lived up here in
16 Sharonville, and they did a little bit of
17 trucking. They just did residential, cleanup and
18 something like that. I don't think they operated
19 five days a week, one-truck operation. I don't
20 mean of those people hauling anything except
21 residential in my memory. They were never a
22 competitor of ours for containers, they never had
23 the containers.

24 Q. Do you recall any other operations

1 like that? Because Sanders we know, we have
2 testimony that they hauled a lot of ink waste to
3 Skinner out of Cincinnati Industrial Machinery? So
4 were there any other small types of operations like
5 Sanders --

6 A. Not that I know of.

7 Q. -- that you can recall?

8 A. No. I didn't know Sanders did that.
9 I did not know that Sanders did that. When you
10 mention Hall, in the meat place, no, I don't
11 remember.

12 Q. Okay. But there were other small
13 operations like Sanders around, went they, at that
14 time?

15 A. There probably was.

16 Q. Can you think of anyone who would
17 have more knowledge of who these smaller companies
18 were back in those days that we could talk to that
19 might shed some light on what was taken to
20 Skinners?

21 A. You're talking about 30, 35, 40 years
22 ago?

23 Q. Right.

24 A. But in our business, we're so damn

1 busy burning and taking care -- selling, we didn't
2 do no selling. I mean, we just had a hell of a
3 time just burning garbage. That's a big job,
4 that's a lot of burning. And like I told you, my
5 father, if it drove in, it was 99 percent of the
6 business, never was out, and the waste disposed of.

7 Q. Okay. King, what did King haul is?

8 A. King hauled roll-off, front loader.

9 Q. For what types of business?

10 A. Commercial and industrial.

11 Q. Do you know any of the industrial
12 account they hauled for?

13 A. It might sound stupid, I don't
14 remember that stuff. He was a competitor of ours.
15 I don't know. Probably Top Value, I mean different
16 kind of, you know, I don't know. He was a
17 competitor, I don't remember the name of the places
18 that they hauled. That's twenty-five years ago.

19 Q. Would they have gone to Skinners
20 during the '70's?

21 A. Yes, they would have gone there I
22 guess. We didn't, we didn't take any of Kings.

23 Q. How do you know that they would have
24 gone to Skinners?

1 A. Just generally, I'm just trying to
2 answer your questions generally, because, I just
3 know generally, because it didn't come to us. I
4 have no specific knowledge, you know, except
5 generally, maybe I could have said I don't know.
6 But specifically, I mean King, I think he hauled up
7 there. I don't know how to answer your question.

8 Q. Would they have hauled for industries
9 in this area?

10 A. Yes.

11 Q. Back then?

12 A. In the same area, in the Cincinnati
13 Industrial Machinery area. That's what you're
14 asking me?

15 Q. In this area?

16 A. There wasn't for industry here.
17 There wasn't, no. You mean here?

18 Q. Not here with you, but between here
19 and Cincinnati Industrial Machinery, let's say on
20 the expressway, there are a number of industries?

21 A. I would say, I would say. I would
22 say.

23 Q. You would say yes?

24 A. They probably did. I just don't

1 remember specifically. I mean, you ask me a
2 specific question, I might remember. That's a long
3 time ago. And you're, back then, we a little
4 operated, I mean, you see the way I go, we got so
5 much to take care of our own. My father was big
6 about if you're worried about somebody else, you're
7 not doing your job. As far as stores and groceries
8 or forty-yard boxes and front loaders.

9 Q. Who at King would know, do you know
10 the names of any of the individuals?

11 A. Yeah. I would think the people that
12 own it. I would think, sure. I mean the name, it
13 was a partnership and I would say that they would
14 know, sure. As far as me having any knowledge or
15 talking to those people, we don't talk, we don't
16 have a relationship. But the same people, aren't
17 the same people that own it today owned it then?

18 Q. Yes, although, there's been a split.

19 A. Still the same people.

20 Q. Dick's Trash and Jennings, would
21 they have taken industrial accounts?

22 A. I don't know. Do I specifically
23 know, no.

24 Q. What about Whitton, would they have

1 taken industrial accounts?

2 A. See, I just didn't -- as far as
3 witnessing, I know they hauled up there; what they
4 took, I don't know. Understand?

5 Q. When did they haul at Skinner?

6 A. I don't remember that. I can't
7 remember that.

8 Q. Just in terms of decade, are we
9 talking '70's, 80's, '60's?

10 A. I don't know. No, there wasn't no
11 Whitton in the '60's, I don't think. But I don't
12 remember any Whittons in the '60's, and I don't
13 remember any Whitton's maybe until the late '70's,
14 and I don't know if that's true. You know more
15 about that than I do. When were they in the
16 roll-off business, when did they get in the
17 roll-off business? I don't know.

18 I'm just trying to help you.
19 Sometimes I think I'm kind of stupid, because I
20 should have had an attorney here, I'm just trying
21 to be helpful. I just don't know what time or what
22 the years were, to be honest about it. I don't
23 remember Whitton in the trucking business in the
24 '60's. But you would know more about that than I

1 do.

2 Q. Can you think of anybody else that we
3 should talk to at Skinner?

4 A. I don't mean -- I couldn't believe
5 there was a list that long. Some of those people
6 could have only hauled one load in ten years. I
7 don't even know some of those people that you
8 mentioned. I never even heard of them.

9 MR. BRESLIN: Are there any
10 individuals you can think of who have any, you
11 know, knowledge of what would have happened out
12 there.

13 THE WITNESS: No. There was nobody
14 there. They usually didn't hire very many people.

15 EXAMINATION

16 BY MR. KAWECKI:

17 Q. Is there some old person in West
18 Chester that knows everything that's happened in
19 West Chester in the last 50 years?

20 A. There's people that think they do.
21 When I go out and talk to those people, and I hear
22 those rumors, I didn't believe that crap. Because
23 I heard it was rumors, and I would say 85 or 95
24 percent of the people believed it. I couldn't

1 believe how they believed it.

2 So the real fact in reality, that's
3 why I have a real hard time addressing some of this
4 stuff, probably it was worse or more than that, but
5 the rumors, that was all bull crap. You would hear
6 they get 30 loads, and you know there wasn't a
7 truck in there that day. I've mean, if he had B-29
8 and rented it to the army or the second world war,
9 and it went from 2 to 10 in a day, then when you
10 asked me what's believable, when I hear something,
11 that's bull crap. I got to get away from this
12 crap. There's some people that would believe it
13 and repeat it. I don't know what you're getting to
14 is really real, and probably I'm missing part of
15 it, because I think it's bull crap. They were --
16 They had the BS. And I'm telling you, stand there
17 and tell you a story and lie, and then the sad part
18 about it is John picked it up from Albert, picked
19 it up from Albert, and he ended up doing the same
20 damn thing.

21 MR. BRESLIN: Do you have anything
22 else?

23 MR. KAWECKI: No.

24 MR. BRESLIN: We're done.

1 RICHARD M. CLARK

2 - - -

3 DEPOSITION CONCLUDED AT 12:00 P.M.

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Spangler Reporting Services

PHONE (513) 381-3330 FAX (513) 381-3342

C E R T I F I C A T E

STATE OF OHIO :

: SS

COUNTY OF HAMILTON :

I, JANE ANNE FITCH, the undersigned, a
duly qualified and commissioned notary public
within and for the State of Ohio, do hereby certify
that before the giving of his aforesaid deposition,
the said RICHARD M. CLARK was by me first duly
sworn to tell the truth, the whole truth and
nothing but the truth; that the foregoing is the
deposition given at said time and place by the said
RICHARD M. CLARK; that said deposition was taken in
all respects pursuant to agreement; that said
deposition was taken by me in stenotypy and
transcribed by LISA CONLEY, RPR, by computer-aided
transcription under the supervision of PAMELA SUE
SPANGLER, RPR; that the transcribed deposition is
to be submitted to the witness for his examination
and signature; that I am neither a relative of nor
attorney for any of the parties to this cause, nor
relative of nor employee for any of their counsel,
and have no interest whatever in the result of the
action.

Spangler Reporting Services

PHONE (513) 381-3330 FAX (513) 381-3342

1 IN WITNESS WHEREOF, I hereunto set my hand
2 and official seal of office at Cincinnati, Ohio,
3 this

4 7th day of December, 1994.
5
6

7 

8 MY COMMISSION EXPIRES: JANE ANNE FITCH

9 MAY 15, 1996.

NOTARY PUBLIC-STATE OF OHIO

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11
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13 MY COMMISSION EXPIRES: LISA CONLEY, RPR

14 JULY 28, 1999.

NOTARY PUBLIC-STATE OF OHIO